

Land Use Plan Amendment Procedure

City Of Durham

1. **APPLICATION** – The Durham Planning Commission and the City Council will consider amendments to adopted land use plans such as small area plans, the 2020 plan, and the 54/40 Corridor Plan when rezoning proposals are determined by the Durham City/County Planning Department to be in significant conflict with such plans. Amendments to such plans will be considered every 3 months in accordance with a schedule published annually by the Planning Department. Applications must be filed with the Planning Department no later than 45 days before the scheduled meeting of the Planning Commission and be accompanied by the appropriate fee.
2. **PLANNING COMMISSION ACTION** – The proposed plan amendment and rezoning request will be presented at a regularly scheduled quarterly meeting of the Durham Planning Commission. A public hearing on the plan amendment shall be held, which may be combined with other requested plan amendments, or with the rezoning request related to the plan amendment. The Planning Commission shall make a decision on each plan amendment proposed at its meeting. The Commission's recommendations will then be referred to the City Council for a final decision.
3. **CONSIDERATION BY CITY COUNCIL.**– Plan amendments considered by the City Council shall be voted on after a public hearing, which may be combined with other plan amendments or with the public hearing on the related rezoning request. An approval shall be by written resolution. The approval may be contingent upon conditions specified by the City Council. The effective date may be immediate or may be a date otherwise specified in the approval. The JCCPC shall be informed of the results of City Council consideration of plan amendments.
4. **STAFF REPORT/RECOMMENDATION** – The Planning staff may include an analysis of the proposed plan amendment in the staff analysis of the rezoning request. A recommendation regarding the plan amendment may be delayed until after the public hearing.
5. **NOTIFICATION** – The applicant shall notify property owners and neighborhood associations of a proposed plan amendment when the notifications regarding the zoning hearing before the Planning Commission and City Council are sent. Property owners within the area, and within 600 feet of the boundary of the change will be notified, in addition to neighborhood associations within 1 mile of the proposed change. The applicant shall provide the Planning staff with a certificate of mailing, or, if hand delivered, with the signature of the person receiving the notice. The Planning Department will place an advertisement in a local newspaper.
6. **HEARING TESTIMONY** – At any public hearing regarding a plan amendment, the applicant will make a presentation and give the reasons for the request. Interested persons will also be allowed to speak. Speakers may be limited to a maximum speaking time, depending on the number of individuals giving testimony. Groups are requested to select a spokesperson for the group.
7. **COORDINATION OF PLAN AMENDMENTS** – Annually, the Planning staff will conduct a public meeting before each governing body for the purpose of addressing and possibly rectifying any differences between the adopted land use plans of the City and County. There will be public notification of the meeting and public participation will be allowed.